



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

AUG - 3 2016

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. William H. Hyatt, Jr.  
Coordinating Counsel  
LPRSA Cooperating Parties Group  
K & L Gates  
One Newark Center, Tenth Floor  
Newark, New Jersey 07102-5252

Re: Diamond Alkali Superfund Site, Lower Passaic River Study Area  
Administrative Order on Consent, Index No. CERCLA 02-2012-2015  
**Bill for Collection No. 2721626S0044**

Dear Mr. Hyatt:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9601, *et seq.* EPA has documented the release or threat of release of hazardous substances into the Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site. In response to the release or threatened release of hazardous substances, EPA has spent, and will continue to spend, public funds on actions related to the oversight of a Time Critical Removal Action ("TCRA") at the site pursuant to Section 104 of CERCLA.

On June 18, 2012, EPA entered into an Administrative Order on Consent ("Order"), Index No. CERCLA 02-2012-2015, with the Cooperating Parties Group ("CPG") for the performance of the TCRA. Pursuant to Paragraph 45(a) of this Order, the CPG agreed to reimburse EPA for all Future Response Costs, as defined in the Order, incurred by the EPA in connection with oversight of the TCRA from the effective date of the Order.

This letter serves as Bill for Collection No. 2721626S0044, covering the period from September 1, 2014 through August 31, 2015.

Enclosure A is a narrative statement describing the Future Response Costs paid during the time period covered by the Bill for Collection. Enclosure B consists of two itemized cost summaries, referred to as Superfund Cost Recovery Package Imaging and On-Line System ("SCORPIOS") reports for the Diamond Alkali Site, site identification number 02-96, Operable Unit ("OU") 00 and OU03 Removal. For the purposes of the SCORPIOS report, OU03 represents the expansion of the CERCLA investigation from the six-mile Passaic River Study Area to the seventeen-mile Lower Passaic River Study Area. EPA charges time for the CPG-lead RI/FS, CPG-lead Removal and EPA-lead work to OU03, but only charges for oversight of the CPG-lead OU03 TCRA are

included in the OU03 Removal SCORPIO\$ report that appears in Enclosure B.

Some personnel charged their time to OU00 to represent time spent on all OUs. Therefore, the OU00 costs have been apportioned among OU01, OU02 (Occidental Chemical Corporation ["OCC"]/Tierra Solutions, Inc. ["TSI"] Removal and OCC/TSI Combined Sewer Overflow/Storm Water Outfall ["CSO/SWO"] Sampling), OU03 (CPG-lead RI/FS, CPG-lead Removal, and EPA-lead work) and OU04, as described in the enclosure. While all OU00 charges are included in the SCORPIO\$ report for OU00 that appears in Enclosure B, this Bill for Collection includes only those costs that EPA has apportioned to the CPG-lead OU03 TCRA.

EPA certifies that as of August 31, 2015, it has paid at least \$186,544.39 in Future Response Costs in connection with the TCRA.

As per Section XV, Paragraph 45.a of the Order, payment shall be made within thirty (30) days of receipt of this letter via electronic funds transfer ("EFT"). To make this payment, you should instruct your bank to remit payment in the required amount to EPA via EFT accompanied by the following information:

Amount of payment: **\$186,544.39**  
EFT to be directed to: **Federal Reserve Bank of New York**  
Bank routing number: **021030004**  
Bank account number receiving payment: **68010727**  
SWIFT address: **FRNYUS33**  
Address: **Federal Reserve Bank of New York**  
**33 Liberty Street**  
**New York, NY 10045**  
Field tag 4200 of Fedwire message to read (for Fedwire payments):  
**D 68010727 Environmental Protection Agency**  
Name of remitter: **LPRSA Cooperating Parties Group**  
Case number: **CERCLA 02-2012-2015**  
Site name: **Diamond Alkali Superfund Site, Lower Passaic River Study Area**  
Site/spill identifier: **02-96**

To ensure that your payment is properly recorded, you should send either an email or a letter contemporaneously with the EFT, which references the date of the EFT, the payment amount, the name of the Site, the Site identification number, the case number, and your name and address to:

Jennifer LaPoma, Remedial Project Manager  
Emergency & Remedial Response Division  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 20<sup>th</sup> floor  
New York, New York 10007-1866  
email: [lapoma.jennifer@epa.gov](mailto:lapoma.jennifer@epa.gov)

and

Frances Zizila, Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 17<sup>th</sup> floor  
New York, New York 10007-1866  
email: zizila.frances@epa.gov

and

Elizabeth McGuffey  
U.S. Environmental Protection Agency  
26 West Martin Luther King Drive  
Attention: FINANCE  
MS: NWD2  
Cincinnati, Ohio 45268  
emails: mcguffey.elizabeth@epa.gov and cinwd\_acctsreceivable@epa.gov

The United States reserves its rights to recover any costs paid during the time period covered by this accounting but not included in this billing, and all other oversight and response costs incurred pursuant to the Administrative Order on Consent.

EPA reaffirms its commitment to conduct appropriate and cost-effective oversight of work performed by consenting parties while ensuring protective cleanups. To this end, EPA is prepared to discuss its plans for the oversight of ongoing work at the Site and to provide you with the opportunity to suggest ways to effectively streamline the work and its oversight.

If you have any questions regarding this matter, please contact Jennifer LaPoma at (212) 637-4328. Legal inquiries should be directed to Ms. Zizila at (212) 637-3135. Thank you for your prompt attention to this matter.

Sincerely yours,



Michael Sivak, Acting Branch Chief  
Special Projects Branch  
Emergency & Remedial Response Division

Enclosures

cc: Bill Potter, demaximis, inc.



**ENCLOSURE A**  
Summary of Costs Paid by EPA  
09/1/14 through 08/31/15  
Diamond Alkali Superfund Site, Newark, New Jersey  
Operable Unit Three – Lower Passaic River Study Area  
Time Critical Removal Action  
Site ID: 02-96

**COSTS FROM OU03 SCORPIOS REPORTS**

Payroll and Travel for OU03 TCRA from OU03 Removal SCORPIOS\$ Report:

These costs consist of direct EPA personnel charges and travel for time spent by EPA employees in overseeing work performed under the Administrative Order on Consent, Index No. CERCLA-02-2012-2015 ("AOC"), including review of CPG technical submissions, meetings and/or conferring with CPG representatives, internal meetings and conferences concerning the TCRA, community relations/outreach and coordination with Partner Agencies. See enclosed Payroll Sections 3-4 of EPA's Itemized Cost Summary.

[ $\$17,753.86 + \$434.52$ ] \$ 18,188.38

Interagency Agreement (IAG) for OU03 TCRA (from IAG in 17 Mile SCORPIOS\$ Report):

These costs consist of technical support by the U.S. Army Corps of Engineers, Kansas City, for oversight of work performed under this AOC, under IAG DW96942125 (which appears in the SCORPIOS\$ report prepared for the CPG-lead remedial investigation and feasibility study [RI/FS] oversight bill). The enclosed document "CPG RM10.9 Oversight – Summary of Cost" provides a breakdown of the TCRA oversight costs billed under IAG DW96942125, which were excluded from the CPG-lead RI/FS oversight bill.

\$ 99,246.00

Other Expenditures for OU03 TCRA (from 17 Mile SCORPIOS\$ Report):

These costs consist of charges for contractor support for file storage and maintenance by Ensofttek that appear in the SCORPIOS\$ report prepared for the CPG-lead RI/FS oversight bill. These costs have been apportioned among EPA-lead activities, EPA oversight of CPG-lead RI/FS and EPA oversight of work performed under this AOC.

[ $\$659.52 / 3$ ] \$ 219.84

*Subtotal Direct Costs for TCRA from OU03 SCORPIOS\$ Reports* \$ 117,654.22



Indirect Costs from OU00 SCORPIOS\$ Report:

See description above.

*Subtotal Indirect Costs from OU00 SCORPIOS\$ Report apportioned to OU03 TCRA:*

*[\$7,375.53 \* 49.2%]*

\$ 3,628.76

Total Direct and Indirect Costs from OU00 SCORPIOS\$ Report apportioned to OU03 TCRA:

\$ 11,004.29

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**OU03 TCRA Bill for Collection Amount**

**\$ 175,540.10**

**Plus \$ 11,004.29**

**\$ 186,544.39**



